IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2942 of 2007.

Manjeet Singh Anand ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Subhash Jha i/b A. M. Saraogi, Advocate for the applicant.

Ms M. H. Mhatre, A.P.P for the State.

Mr Prasad Rao, Advocate for the Complainant.

CORAM: V.C. DAGA,J.
DATED: 8th October, 2007.

P.C.:-

1. Heard learned counsel for the applicant, learned counsel for the complainant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking anticipatory bail under Section 438 of the Cr.P.C. in C.R. No.306 of 2007 registered with M.I.D.C. Police Station, Mumbai for the offence punishable under Sections 498-A, 506 read with Section 34 of the I.P.C.

4. According to the complainant, previously

she had married to one Gurudevsingh Rekhi in the year 1994. The said marriage ended in divorce on 23.7.1999. Thereafter, marriage of the complainant was solemnized with the applicant on 1.1.2001 in Gurudwara at Nerul, New Mumbai as per Sikh rites and customs.

5. After marriage, the applicant and the complainant alongwith other relatives shifted to Poonam Nagar, Poonam Jewel A/5-2, Jogeshwari East. The complainant claims that after her marriage with applicant, she came to know that the applicant did not obtain divorce from his first wife. The applicant, after some time, started illtreatment and harassing her. Her in-laws, as well as sister-in-law, also joined the applicant in the act of harassing her. The complainant got mentally disturbed due to illtreatment and harassment which made difficult for her to stay in the house of the applicant.

6. According to the complainant, her husband started saying that he has sustained losses in his business and that the complainant should bring an amount of Rs. 10 lac from her parents. It is the case of the complainant that though on 14.10.2006, her brother had met with an accident but she was

not allowed to go and see her brother. The complainant was prevented from contacting her mother or brother on phone.

7. On 17.4.2007 the complainant succeeded in contacting her mother on phone and got rescued from the applicant. That is how, the complaint came to be lodged against the applicant and his relatives under Sections 498-A, 506 read with Section 34 of the I.P.C.

8. Having heard rival parties. The learned A.P.P., on being asked, submits that the custody of the applicant is not necessary for investigation. She submits that if the applicant is directed to report Police Station once in a week for interrogation, the purpose of investigation would be served.

9. Learned counsel appearing on behalf of the complainant tried to oppose the application contending that the applicant has not approached to this Court with clean hands, however, he could not take his submission to the logical end.

10. The dispute essentially is between the husband and wife. Both of them have not raised any matrimonial dispute in family

Court. Their matrimonial ties are intact. At this stage, I do not see any useful purpose would be served by allowing custodial interrogation of the applicant accused.

11. In the above view of the matter, I am inclined to grant anticipatory bail to the applicant in the sum of Rs. 1,00,000/- with one local surety to make up the said amount, subject to following terms and conditions:

(a) that the said applicant should report to concerned Police Station,once in a week i.e. on every Monday between 3.00 to 5.00 p.m.till filing of the charge sheet.

(b) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

(c) The applicant is put on notice that on a report by the State in violating any of the conditions by him, mentioned herein, shall result in cancellation of this bail order.

12. This order of anticipatory bail shall

remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

13. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

14. The application is allowed in the above terms.

(V.C. DAGA,J.)